

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEROME BARROW,)	CASE NO. 1: 16 CV 923
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	<u>MEMORANDUM OPINION</u>
THE CITY OF CLEVELAND,)	<u>AND ORDER</u>
)	
Defendants.)	

This matter comes before the Court upon the Plaintiff's Motion for Post Judgment Interest (ECF #99, 102) and Motion to Recover Costs under 28 U.S.C. § 1920 and Rule 54(d)(1)-(2) and for a Reasonable Attorney Fee under 42 U.S.C. § 2000e-5(k) for attorney fees and costs incurred on appeal.(ECF # 97) In his Motion for Post Judgment Interest (ECF #99) Plaintiff seeks the statutory PJI of 10% on his \$59,900 Judgment¹ on the Verdict and the awarded Costs and Attorney Fees from the date of Judgment, February 7, 2018, through the date of Plaintiff's Motion- May 14, 2019, following the Sixth Circuit's denial of Defendant's appeal of the Judgment. Following the Sixth Circuit's denial of a rehearing en banc and the issue of the mandate from the Sixth Circuit, Plaintiff filed supplemental PJI calculations (ECF # 102) and the City of Cleveland filed an Opposition to the Motion for Post Judgment interest and Supplemental PJI Calculations. (ECF #103).

Thus, Plaintiff seeks post judgment interest (at the rate of 10%) in the amount of \$7,565.45 on the Judgment, \$377.53 on the trial costs and \$9,519.17 on the trial Attorney Fee

¹The Judgment entered in this case on February 7, 2018, was for \$55,900. (ECF #64)

award for a total award of \$117,088.70. In his Motion for costs and a reasonable attorney fee for the appeal in this matter (ECF #97), Plaintiff seeks \$824.82 in costs and attorney fees in the amount of \$39,800 for a total request of \$40,624.82. In the Supplemental calculations, Plaintiff seeks additional post judgment interest on all of the elements listed above through the date the Judgment is paid.

Defendant opposes the Plaintiff's request for post judgment interest asserting that the Plaintiff's calculations are clearly incorrect because the Verdict awarded to Plaintiff was \$55,900, not \$59,900 and Plaintiff's application of 10% statutory post judgment interest rate was wrong. Rather, the applicable post judgment rate of interest to be applied is found in 28 U.S.C. § 1961 which sets post-judgment interest at the rate "equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of judgment." Plaintiff averaged the historical rates of the 1 year treasury constant maturity yield for the week preceding February 7, 2018, the date of the Judgment entered in this case, and determined that the proper interest rate to be applied here is 1.885%. Plaintiff has not filed any response to Defendant's Opposition brief.

Defendant does not question the amount or the reasonableness of the attorneys fees and costs Plaintiff seeks for work on the appeal. The Court has reviewed Plaintiff's appellate attorney fees and costs requests and supporting documentation and has found the amounts requested to be adequately supported and reasonable. Accordingly, Plaintiff's Motion (ECF #97) for attorney fees in the amount of \$39,800 and costs in the amount of \$824.82 for the appeal are granted.


Further, Plaintiff's Motion for post-judgment interest (ECF #99, 102) is granted in part as

modified by the Defendant's opposition brief. Plaintiff is entitled to post judgment interest at the rate of 1.885% on all of the following:

- (1) \$55,900 Judgment from February 7, 2018, until the Judgment is paid;
- (2) \$107,569.53 Attorneys Fees for Trial from June 25, 2018, until payment is made;
- (3) \$4,266.15 Costs from Trial from June 25, 2018, until payment is made;
- (4) \$39,800 Attorneys fees on Appeal from August 15, 2019, until payment is made; and
- (5) \$824.82 Costs on Appeal from August 15, 2019, until payment is made.

Defendant shall calculate the amount of interest due as of the date on which payment is made.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: _____

